

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Richard K. HOOFARD, *et al.*) Group Art Unit: 3671
)
Application No.: 10/717,575) Examiner: Raymond W. ADDIE
)
Filed: November 21, 2003)

For: SUPPORT LEG SYSTEM AND METHOD FOR SUPPORTING A DOCK LEVELER

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

By Official Action dated February 14, 2005, restriction to one of the following inventions is required under 35 U.S.C. § 121:

- I. Claims 1-7, 17-23 and 33-37, drawn to a dock leveler and method utilizing a lip holder to retract a support leg regardless of the speed of descent of the dock leveler, classified in class 14, subclass 69.5.
- II. Claims 8-16 and 24-32, drawn to a dock leveler with speed sensitive support leg retraction apparatus, classified in class 14, subclass 72.5.
- III. Claims 38 and 39, drawn to a method of disengaging a support leg retraction apparatus, classified in class 14, subclass 71.3.

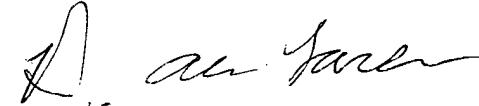
In response, Applicant hereby elects group I, claims 1-7, 17-23, and 33-37.

The election is made with traverse, because of the similarity of subject matter being claimed puts no serious burden on the Examiner to search and examine all of the claims in the entire application. The Examiner is reminded that the Examiner must search and examine the entire application on its merits even if it includes claims to independent or distinct inventions if the search puts no serious burden on the Examiner. M.P.E.P. § 803. In view of the similar

subject matter of the claims and the powerful electronic search tools available to the Examiner, Applicants assert that searching and examination of the entire application would not pose a serious burden on the Examiner. Further, the Applicant has paid for, by virtue of payment of the filing fees, search and examination of the pending claims. Requiring the Applicant to re-file the non-elected claims in divisional applications would require the Applicant to pay duplicative fees.

Respectfully submitted,

BAKER & HOSTETLER LLP



P. Alan Larson
Registration No. 53,184

Date: 3/3/05

Washington Square, Suite 1100
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036-5304
Tel.: 202-861-1500
Fax: 202-861-1783